REMARKS

At the outset, Applicants submit herewith a copy of a new Power of Attorney for this application. Please associate this application with Customer No. 44702. A Supplemental Information Disclosure is also submitted herewith.

Applicants hereby acknowledge their election of claims 1-9 and 23-35, which are directed to Species A (Figures 5 through 8). Claims 10-22 are withdrawn from consideration.

Claims 1-9 and 23-35 have been rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,165,628 to Todd in view of U.S. Patent No. 4,516,296 to Sherman. Applicants respectfully request reconsideration of this rejection. Neither of the cited patents, whether taken individually or in any permissible combination, discloses, teaches or suggests the inventive combination of features forming the subject matter of independent claims 1, 23, 24 and 32, or any claim depending therefrom. In particular, neither cited patent teaches or suggests the claimed flexible band, which is coupled to a pair of support brackets and distributes the clamping load across the distal surface of the duct, while the support brackets distribute the clamping load substantially across the proximal surface of the duct.

The Examiner asserts that the Todd patent discloses the claimed support brackets (84, 86) and flexible band (100). Applicants respectfully disagree. The Todd patent discloses a pipe support system comprising an elongated channel 26 and a clamp 30 (Figures 5 and 6; col. 8, lines 36-66) comprised of two strap-like components 84 and 86 extending from the channel 26 with the pipe 22 therebetween. The strap-like components 84 and 86 are not "support brackets" and do not support a proximal surface of the pipe 22. Instead, the pipe 22 is clamped directly against the front edge of the channel 26 (col. 8, line 39). Strap-like component 84 includes a free-end section 100 with slots 98 therein, which coacts with a free-end section 102 of component 86 to clamp the two strap-like components together, rather than distributing a clamping force across a distal surface of the pipe 22. It will be appreciated that the free-end section 100 is an integral part of clamp 84 rather than a separate component coupled to clamp 84. Further, as shown in Figures 1, 5, and 6, the free-end section 100 does not support or otherwise contact the distal surface of the pipe 22. For at least these reasons, independent claims 1, 23, 24 and 32, and all claims depending therefrom, are nonobvious and allowable over the Todd patent by itself.

The Examiner also acknowledged that the Todd patent does not disclose the claimed support brackets having a support portion, which distributes a clamping load substantially across a proximal surface of a duct, as recited in independent claims 1, 23, 24 and 32. For that reason, the Examiner cited the Sherman patent. However, the Sherman patent does not overcome the deficiencies in the Todd patent. The Sherman patent does not disclose, teach or suggest the claimed pair of support brackets or flexible band.

Instead, the Sherman patent (Figures 3 and 5) discloses a clamping assembly 21 with two clamp halves and a screw to fasten the halves together. There is no flexible band. A cushion insert 29 is used to partially encircle a tube 12 for the purpose of preventing damage to the tube. The Examiner asserts that it would have been obvious to form the clamp components taught by Todd to conform to the conduit which is being supported, in view of the cushion insert 29. However, neither patent discloses the desirability of making the proposed modification and the combination does not yield the invention. In particular, the cushion insert 29 has a one-piece construction and there is no suggestion in either reference that the one-piece cushion can be broken into two pieces. Further, the cushion has a fixed perimeter, which therefore can be utilized only for supporting a tube with a predetermined diameter and shape. On the other hand, the claimed variable duct support assembly includes at least one pair of separate support brackets that distribute the clamping load substantially across the proximal surface of the duct. As separate components, the support brackets can be positioned and utilized for supporting various tubes with a variety of diameters and shapes. Moreover, the cushion insert 29 is a separate piece that adds cost and complexity to the manufacture and use of the clamping assembly. Applicants therefore submit that claims 1, 23, 24 and 32, and all claims depending therefrom, are patentable over the cited patents.

In view of the foregoing, all of the claims remaining in the case, namely claims 1-9 and 23-35, are in proper form and patentably distinguish from the prior art. Accordingly, allowance of the claims and passage of the application to issuance are respectfully solicited.

Respectfully submitted,

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